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Assistance to unaccompanied refugee minors

Report of the Secretary-General

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I. Introduction

1. At its fifty-second session, on 12 December 1997, the General Assembly adopted resolution 52/105 in which it expressed its deep concern at the continued plight of unaccompanied refugee minors, emphasizing the urgent need for their early identification and for timely, detailed and accurate information on their numbers and whereabouts, and hoped that adequate resources would be provided for programmes of identification and tracing. The Assembly called upon the Office of the United Nations High Commissioner for Refugees (UNHCR), in cooperation with other relevant United Nations bodies, to incorporate into its programmes policies that aim at preventing refugee family separation, conscious of the importance of family unity.

2. The Assembly further called upon all States and other parties to armed conflict to respect international humanitarian law and called upon States parties to respect fully the provisions of the Geneva Conventions of 12 August 1949 and related instruments, while bearing in mind resolution 2 of the twenty-sixth International Conference of the Red Cross and Red Crescent, and to respect the provisions of the Convention on the Rights of the Child (resolution 44/25, annex), which accord children affected by armed conflict special protection and treatment.

3. In addition, the Assembly condemned all acts of exploitation of unaccompanied refugee minors, including their use as soldiers or human shields in armed conflict and their forced recruitment into military forces, and any other acts that endangered their safety and personal security.

4. This report includes information of action taken by the United Nations and relevant United Nations bodies in response to resolution 52/105.

II. Background

5. The term "unaccompanied minor" is used by the United Nations Children's Fund (UNICEF), UNHCR and others to refer to a person who is under 18 years of age or the legal age of majority, is separated from both parents, and is not with and being cared for by a guardian or other adult who, by law or custom, is responsible for him or her. This includes minors who are without any adult care, minors who are entirely on their own, minors who are with minor siblings but who, as a group, are unsupported by any adult responsible for them, and minors who are with informal foster families. Article 22 of the Convention on the Rights of the Child addresses the situation of refugee children and makes particular reference to unaccompanied children. The Committee on the Rights of the Child is entrusted with monitoring the implementation of the Convention, mainly through the reporting procedure. During the past decade there has been a dramatic increase in the number of people who are internally displaced or directly affected by warfare but who do not cross international borders and do not benefit from the provisions of refugee law. Many of these people are children who have become separated from their families or whose parents lost their lives in the conflict.

6. In the turmoil of conflict and flight, children easily become separated from their families and caretakers. Although all refugees, uprooted from their homes and communities, are unprotected to a certain extent, separated children are even more vulnerable. Boys and girls on their own are easy targets for recruitment into armed groups, as combatants, porters, spies or servants, and they are at high risk of exploitation and physical or sexual abuse, and even death. Involuntary separation thus increases the risks faced by the displaced, refugee and other war-affected children; it can be more traumatic than the displacement itself. The goal of UNHCR, UNICEF and other agencies working on the ground is, where possible, to prevent separations, to identify children who have become separated from their families and to reunite them with their families in a timely manner.

7. It is known that child abandonment sometimes occurs when families assume that relief agencies are better able to provide optimal care and protection to their children in crisis situations. Thus, it is incumbent on relief agencies to provide assistance in a coordinated, community-based manner which enhances the ability of the family and extended kinship networks to ensure the well-being of children.

8. All agencies are working continually to improve their services for this at-risk group. In October 1997 UNHCR's Inspection and Evaluation Service published an evaluation of UNHCR's efforts on behalf of children and adolescents, which called for greater attention to separated minor asylum seekers, including age-appropriate procedures for determining status, increased training for field staff on protection and programming, establishment of regional networks for tracing and reunification, rapid deployment of community service officers to emergency situations, and focus on community-based care. UNHCR's follow-up strategy to the report on the impact of armed conflict on children ("Machel study"; A/51/306, annex) identifies separated children as one of five priority issues for field offices.

III. Inter-agency cooperation

9. UNHCR works together with UNICEF, the Office of the High Commissioner for Human Rights (UNHCHR), the Special Representative of the Secretary-General on children in armed conflict, the Office for the Coordination of Humanitarian Affairs of the United Nations Secretariat, and a range of international and non-governmental organizations to extend the required protection and assistance to unaccompanied refugee, displaced and other war-affected children. Agencies endeavour to ensure that the consolidated appeal process reflects priorities decided jointly by the humanitarian community, including local and international non-governmental organizations.

10. The 1996 memorandum of understanding between UNHCR and UNICEF gives primary responsibility for the welfare of refugee children to UNHCR, while UNICEF takes the lead role for children in their country of origin. Over the past few years, UNHCR, UNICEF, and organizations and agencies such as the International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies and the International Save the Children Alliance (ISCA) have established a close working relationship with regard to unaccompanied minors. This includes establishment of technical guidelines at the global level, and field-level coordination to provide care and services.

11. Children may also become separated from their families during war-related displacement within their national borders. With regard to those internally displaced, the regional emergency relief coordinators of the Office for the Coordination of Humanitarian Affairs are focal points and collaborate closely with all relevant partners. The emergency relief coordinator has initiated a series of consultations with the United Nations High Commissioner for Human Rights and with the Special Representative of the Secretary-General on internally displaced persons. The Office is publishing a pamphlet of the Special Representative's guiding principles on internal displacement, for dissemination to United Nations agencies, international organizations, non-governmental organizations and national authorities. The principles reaffirm the right of families to remain together and to be speedily reunited, if separated, and call on responsible authorities to facilitate inquiries made by family members and to cooperate with humanitarian organizations engaged in the task of family reunification.

IV. New initiatives developed in 1997

A. Action for the Rights of Children

12. Action for the Rights of Children (ARC) is a collaborative effort between UNHCR and the International Save the Children Alliance (ISCA). ARC's primary goal is to increase the capacity of UNHCR and of the staff of other United Nations bodies, non-governmental organizations and Governments to protect and care for children and adolescents during all stages of refugee situations, from emergency interventions through the finding of durable solutions.

13. To that end, a series of training modules have been prepared on fundamental issues such as international legal standards and principles, working with unaccompanied children and child soldiers, and prevention of exploitation and abuse. Special attention is paid to issues of particular relevance to girls, such as prevention of sexual exploitation and reproductive health.

14. Two regional capacity-building workshops took place in the first half of 1998, and two more are scheduled for the end of the year. Participants review the content of training modules and identify training methods in accordance with the political, economic, social and cultural context of their region. They also identify pilot projects that address critical issues affecting children and adolescents. The workshops establish regional training teams that identify needs and develop action plans. The needs are addressed through further ARC workshops, joint situation assessments by non-governmental organizations and UNHCR, and team deployments. As child and adolescent concerns become increasingly part of mainstream programming and protection activities, ARC will become incorporated into existing training programmes.

B. Family tracing and reunification

15. Throughout 1997, UNICEF, UNHCR, ICRC and others participated in a collaborative inter-agency effort for tracing unaccompanied children and reuniting them with their families, focusing principally on finding the families of more than 26,000 children identified as unaccompanied after the mass return of Rwandans from the Congo in late 1996. By April 1998, more than 18,000 of the children had been reunited with their families; roughly 6,000 remain in 48 institutions across the country of origin, awaiting reunification. While tracing continues, UNICEF, UNHCR and non-governmental organizational partners have

continued to provide basic support (shelter, food, water, medical care) with ongoing tracing, reunification and fostering activities.

16. In November 1997, Save the Children called an inter-agency meeting on family tracing and reunification in Nairobi. Participants included UNHCR, UNICEF, ICRC and involved non-governmental organizations. The meeting produced an inter-agency action plan addressing the prevention of separation, inter-agency collaboration, fostering, reunification and reintegration. A follow-up meeting was held in Geneva in June 1998.

C. UNHCR/ISCA initiatives

17. One finding of the 1997 evaluation of UNHCR's efforts on behalf of children and adolescents was that UNHCR needed to strengthen its links to other United Nations agencies and non-governmental organizations. In response, UNHCR has entered into discussions with the International Save the Children Alliance (ISCA) about joint regional initiatives in the Horn of Africa and West Africa, with the objective of improving regional capacities to protect and care for children and adolescents, particularly unaccompanied minors, war-affected children and adolescents and those with particular educational needs.

18. Potential activities include joint situation assessments, regional contingency planning, increasing rapid response capacities through the deployment of emergency kits for unaccompanied children (including registration and tracing supplies), and education and recreation kits for emergency situations.

D. Special Representative of the Secretary-General for children in armed conflict

19. The agencies welcomed the appointment of Mr. Olara Otunnu as Special Representative of the Secretary-General for children in armed conflict and look forward to working with him on issues affecting separated children and other war-affected children, including the risks of recruitment and sexual exploitation. UNHCR, UNICEF, UNHCHR, the Office for the Coordination of Humanitarian Affairs and others are searching for ways to collaborate more closely with him in his work and to enhance efforts for assisting war-affected children and adolescents across the globe. In his March 1998 interim report to the Economic and Social Council (E/CN.4/1998/119), the Special Representative stressed that the breakdown of social value systems and the disintegration of families and communities in times of war left women and girls especially vulnerable to sexual violence. Various bodies of the United Nations system are beginning to realize the grave issues affecting children in armed conflict. On 29 June 1998, for example, an open debate on the topic was held in the Security Council.

V. Issues of concern

A. Regional issues

20. UNICEF, working closely with UNHCR, non-governmental organizations, the parents of targeted children and other concerned parties, is pressing for an end to the systematic abduction of children from northern Uganda by members of an armed group, the Lord's Resistance Army (LRA), and for the immediate return to Uganda of the estimated 2,000 children still held captive by that group in its base camps in southern Sudan. It is estimated that between 6,000 and 8,000 children, most between the ages of 10 and 17, have been forcibly taken from their schools, homes and villages since the group began its systematic abductions approximately five years ago. Roughly half have managed to escape their captors and have provided first-hand accounts of the horrific treatment they endured. They were tortured, enslaved, raped and otherwise abused; made to attack their own villages, killing family members and acquaintances; and forced to torture and execute other children who disobeyed their commanders or attempted to escape. Based on these accounts, it is estimated that half of those who were unable to escape have died in captivity.

21. United Nations agencies and non-governmental organizations are also collaborating on finding solutions for unaccompanied minors among the residents of camps for internally displaced people in the Sudan.

22. Although the mass return home of Rwandan refugees from the Congo and the United Republic of Tanzania largely ended in early 1997, a number of serious issues affecting separated children remain. In Rwanda, for example, there is growing awareness among international humanitarian workers of the high incidence of child-headed households among the returnee population. These children are extremely vulnerable to exploitation and abuse, especially since an estimated 75 per cent of the households are headed by girls. Security concerns in Burundi led to a review of tracing efforts on the part of some agencies and an intensification of activity by others.

23. Finally, in the Congo, UNHCR and non-governmental organizations have located a sizeable number of refugee children still living with local Congolese families. Many are reluctant to return to Rwanda, particularly those under five years of age who are too small to give tracing information and adolescents afraid of being targeted as militants in Rwanda. Burundi refugee children separated from their families are also in an extremely delicate situation. For most of the year, living in eastern Congo and in their countries of origin seemed equally precarious. Two important developments in the Great Lakes region of Africa have been the strengthening of methods for locating families of the youngest children, always among the most difficult to trace, and the increase in collaboration between agencies in order to maximize the effectiveness of efforts, particularly in situations of scarce resources.

24. In Kakuma, Kenya, UNHCR is working with key non-governmental organizations to identify resettlement options for some of the "lost boys", unaccompanied Sudanese children who have been living on their own for several years. For many of these youths, tracing has been either unsuccessful or impossible to carry out, and repatriation is not an option since they are from conflict areas. They are particularly vulnerable to recruitment and other forms of exploitation.

B. The girl child

25. Refugee children and adolescents under the age of 18 years constitute 52 per cent of the 22.7 million persons of concern to UNHCR, and half of these young refugees are girls. Similar demographics and numbers apply to population groups who are internally displaced. The changing nature of armed conflict and displacement means that girls who are refugees or internally displaced are no longer simply incidental victims of conflicts and displacement but, increasingly, are targets for exploitation, militarization and politicization. Their needs overlap with those of adult refugees but, largely because they are developing, dependent and vulnerable, they also have distinct protection and assistance needs and rights. Key threats affecting girls include sexual violence, exploitation and abuse, under-aged recruitment and child labour. Their needs include birth registration and identity documents, education, vocational training and income-generation activities, food and nutrition, adolescent reproductive health care and issues relating to disability and social and psychological health. Refugee girls who find themselves alone, beyond the protection of family and community, are even more at risk and in need of support.

C. Unaccompanied children seeking asylum

26. In 1997 UNHCR issued new guidelines on policies and procedures in dealing with unaccompanied children seeking asylum. The guidelines are the basis for policy reformulation and training of governmental officials in age-sensitive and age-appropriate refugee procedures for determining status.

VI. Conclusion

27. UNHCR, UNICEF, UNHCHR, ICRC and non-governmental organizations continue to make strides in improving their efforts on behalf of unaccompanied minors. The Special Representative to the Secretary-General on children in armed conflict is making an important contribution to this ongoing work. However, on a daily basis, in crisis settings such as those currently in Sierra Leone, Guinea-Bissau and Kosovo, children trapped in and fleeing from war zones are involuntarily separated from their families. Until civilians in general are protected from the impact of warfare, increasing numbers of children will continue to be exposed to the additional trauma and danger of separation. Member States are urged to adhere to and promote the Convention on the Rights of the Child and to support measures that will avoid involuntary family separation.